

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the Matter of:	:	Case No. 16-52376
	:	Chapter 7; Judge Charles M. Caldwell
Trina M. Johnson,	:	
	:	
Debtor.	:	

MOTION TO DISMISS THE DEBTOR'S CHAPTER 7 CASE

Now comes David M. Whittaker, Trustee, and moves the Court, pursuant to the provisions of 11 U.S.C. § 707(a), to dismiss this case for the failure of Trina M. Johnson (the "Debtor") to appear and be examined by the Trustee and/or to provide required information.

Accordingly, the Trustee respectfully requests that the Court enter an order granting his motion and for such other relief as may be appropriate.

A memorandum in support of this motion follows.

Respectfully submitted,

/s/ David M. Whittaker

David M. Whittaker, Trustee (0019307)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Phone: (614) 227-2355
Fax: (614) 227-2390
Email: dwhittaker@bricker.com

MEMORANDUM IN SUPPORT OF MOTION

The Debtor filed the voluntarily Chapter 7 petition on April 12, 2016. The original 341 meeting of creditors was scheduled for May 19, 2016. The Debtor failed to appear at the first meeting of creditors. The Debtor has also failed to provide the Trustee with her most recently filed federal tax return and her pay advices for the 60-day period prior to the filing of her case as required by 11 U.S.C. § 521.

11 U.S.C. § 707(a) provides that the Court may dismiss a case under Chapter 7 after notice and for cause including unreasonable delay by the Debtor that is prejudicial to creditors. The Trustee respectfully states that the failure of the Debtor to appear and be examined and/or to provide the Trustee with the required documents constitutes an unreasonable delay by the Debtor that is prejudicial to creditors and that cause exists for the Court to dismiss this case pursuant to the provisions of 11 U.S.C. § 707.

Accordingly, the Trustee respectfully requests an order of the Court granting the Trustee's Motion.

Respectfully submitted,

/s/ David M. Whittaker

David M. Whittaker, Trustee

NOTICE OF MOTION TO DISMISS THE DEBTOR'S CHAPTER 7 CASE

Notice is hereby given that the Trustee has filed a motion with the Court to obtain dismissal of the Debtor's Chapter 7 case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, then on or before 21 days from the date of the mailing of this Notice, you or your attorney must:

File with the court a written request for hearing and an objection to the Motion stating therein the basis for your objection. This pleading must be filed at Clerk of Courts, United States Bankruptcy Court, 170 N. High Street, Columbus, Ohio 43215. If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You may also file your response using the court's ECF electronic filing service.

You must also mail a copy to or serve a copy by ECF electronic service upon:

David M. Whittaker, Esq.
Attorney for Trustee
100 South Third Street
Columbus, Ohio 43215
dwhittaker@bricker.com

U.S. Trustee
170 N. High Street
Columbus, Ohio 43215
ustpreion09.cb.ecf@usdoj.gov

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief without further notice or a hearing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Dismiss the Debtor's Chapter 7 Case was served upon the following parties as indicated on May 20, 2016.

/s/ David M. Whittaker
David M. Whittaker, Trustee

The following party was served by ECF electronic service at the email address registered with the Clerk:

United States Trustee

All parties as shown on the attached creditor list from the Debtor's case were served by U.S. mail at the address indicated.

Label Matrix for local noticing
0648-2
Case 2:16-bk-52376
Southern District of Ohio
Columbus
Fri May 20 09:24:41 EDT 2016

(P)AMERICREDIT FINANCIAL SERVICES DBA GM FINAN
PO BOX 183853
ARLINGTON TX 76096-3853

United Consumer Financial Serv.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Suite #200
Tucson, AZ 85712-1083

Allied Interstate
PO Box 361445
Columbus, OH 43236-1445

American Electric Power
PO Box 24417
Canton, OH 44701-4417

Ashro
1112 7th Ave
Monroe, WI 53566-1364

Asst US Trustee (Col)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

CBCS
PO Box 163279
Columbus, OH 43216-3279

CBE
1309 Tehnology Parkway
Cedar Falls, IA 50613-6976

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

(p)CHOICE RECOVERY INC
1550 OLD HENDERSON ROAD
STE 100
COLUMBUS OH 43220-3662

(p)COLUMBIA GAS
290 W NATIONWIDE BLVD 5TH FL
BANKRUPTCY DEPARTMENT
COLUMBUS OH 43215-4157

Columbus Public Utilities
910 Dublin Rd
Columbus, OH 43215-9060

Credit Management
4200 International Parkway
Carrollton, TX 75007-1912

ERC
PO Box 57547
Jacksonville, FL 32241-7547

First Premier Bank
3820 N Louise Ave
Sioux Falls, SD 57107-0145

GM Financial
PO Box 181145
Arlington, TX 76096-1145

General Revenue Corporation
4660 Duke Drive Ste 300
Mason, OH 45040-8466

JP Recovery
PO Box 167749
Rocky River, OH 44116

LVNV
PO Box 10497
Ste 110
MS 576
Greenville, SC 29603-0497

Meade & Associates
737 Enterprise Dr
Westerville, OH 43081

Mount Carmel Health Systems
417 Bridge St
Danville, VA 24541-1403

Mount Carmel Medical Group
PO Box 848566
Boston, MA 02284-8566

PCB
3592 Corporate Drive
Ste 105
Columbus, OH 43231-4978

St Anns Hospital
PO Box89458
Cleveland, OH 44101-6458

US Department of Education
PO Box 7860
Madison, WI 53707-7860

United Consumer Financial Service
865 Bassett Rd
Westlake, OH 44145-1194

Victory Fitness
33 New Towne Sq Drive
Toledo, OH 43612-4615

Vital Recovery Service
PO Box 9237 48
Peachtree Corners, GA 30010-3748

Western Union Speedway
PO Box 1259
Dept 106410
Oaks, PA 19456-1259

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AmeriCredit Financial Services, Inc. PO Box 183853 Arlington, TX 76096	Capital One PO Box85015 Richmond, VA 23285	Choice Recovery 1550 Old Henderson Rd Suite S 100 Columbus, OH 43220
Columbia Gas PO Box 742510 Cincinnati, OH 45274	End of Label Matrix Mailable recipients 32 Bypassed recipients 0 Total 32	